

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEB WHITEWOOD and SUSAN WHITEWOOD,  
FREDIA HURDLE and LYNN HURDLE, EDWIN  
HILL and DAVID PALMER, HEATHER  
POEHLER and KATH POEHLER, FERNANDO  
CHANG-MUY and LEN RIESER, DAWN  
PLUMMER and DIANA POLSON, ANGELA  
GILLEM and GAIL LLOYD, HELENA MILLER  
and DARA RASPBERRY, RON  
GEBHARDTSBAUER and GREG WRIGHT,  
MARLA CATTERMOLLE and JULIA LOBUR,  
MAUREEN HENNESSEY, and A.W. AND K.W.,  
minor children, by and through their parents and  
next friends, DEB WHITEWOOD and SUSAN  
WHITEWOOD,

Plaintiffs,

v.

THOMAS W. CORBETT, in his official capacity  
as Governor of Pennsylvania; MICHAEL WOLF,  
in his official capacity as Secretary of the  
Pennsylvania Department of Health; KATHLEEN  
KANE, in her official capacity as Attorney General  
of Pennsylvania; MARY JO POKNIS, in her  
official capacity as Register of Wills of Washington  
County; and DONALD PETRILLE, JR., in his  
official capacity as Register of Wills and Clerk of  
Orphans' Court of Bucks County,

Defendants.

Civil Action

No. 13-1861-JEJ

**ORDER**

AND NOW, this     day of     , 2013, upon review of Defendants Corbett and  
Wolf's Motion for Leave to File Oversized Brief and Plaintiffs' Response, if any,

thereto, it is HEREBY ORDERED that Defendants Corbett and Wolf's Motion is GRANTED. Defendants Corbett and Wolf may file a 25-page brief (exclusive of the cover page, table of citations, table of authorities, certificate of concurrence and certificate of service) in support of their Motion to Dismiss.

So Ordered:

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Jones, J.

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Defendants.

Civil Action

No. 13-1861-JEJ

**DEFENDANTS CORBETT AND WOLF'S MOTION FOR LEAVE TO  
FILE OVERSIZED BRIEF IN SUPPORT OF THEIR RESPECTIVE  
MOTIONS TO DISMISS.**

Defendants, Governor Thomas W. Corbett and Secretary Michael Wolf respectfully move, pursuant to Local Rule 7.8(b)(3), for leave to file an oversized brief in support of their respective Motions To Dismiss the Claims asserted against them in Plaintiffs' Complaint (Doc. 1). In support thereof, Defendants aver as follows:

1. On July 9, 2013, Plaintiffs filed a 162-paragraph Complaint in this Court seeking to invalidate, by declaratory judgment, Pennsylvania statutes, 23 Pa.C.S. §§ 1102 and 1704, which define marriage as the union of "one man and one woman" and which declare as void in Pennsylvania same-sex marriages entered into in other jurisdictions, respectively. (Doc. 1).

2. Plaintiffs have named the Governor of Pennsylvania, the Secretary of Health of the Commonwealth, the Attorney General of Pennsylvania and two county clerks, all in their official capacities. *Id.* They allege that Pennsylvania's marriage laws deny Plaintiffs due process and equal protection under the Equal Protection Clause of the Fifth and Fourteenth Amendments. *Id.*

3. On September 30, 2013, Defendants Corbett and Wolf filed a Motion, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) to dismiss the claims asserted against them in Plaintiffs' Complaint. (Doc. 27).

4. Defendants' Brief in Support of their Motion to Dismiss currently is due on October 7, 2013.

5. Rather than filing separate briefs on behalf of each party, counsel for Defendants Corbett and Wolf will file a single, consolidated brief.

6. As this Court is no doubt aware, the issues in this case are of significant importance to the parties as well as to the public at large.

7. Additionally, the arguments set forth in Defendants' Corbett and Wolf's brief involve issues for which there is a significant body of case law that is highly relevant to the pending motion to dismiss, which Defendants must address in their supporting brief.

8. Defendants do not believe it is possible for them to properly address the numerous allegations in Plaintiffs' Complaint and the relevant decisional law within the 15-page limit prescribed by Local Rule 7.8(b)(1).

9. Defendants Corbett and Wolf are keenly aware of the fact that this Court likely will be asked to review a large number of briefs in this case from a variety of sources.

10. Defendants Corbett and Wolf and do not wish to cause this Court further undue burden and, to that end, have attempted to refine and consolidate their arguments wherever possible to reduce the overall length of the Brief they will submit.

11. Even with these refinements, Defendants believe that an additional ten pages (25 pages (exclusive of the cover page, table of citations, table of authorities, certificate of concurrence and certificate of service)) is necessary to properly brief and analyze the issues in this case.

12. In light these factors -- the importance and interest in these proceedings, the numerous allegations in Plaintiffs' Complaint and Defendants' good faith efforts to pare down their brief to its essential core -- Defendants submit that a 25-page brief in length (exclusive of the cover page, table of citations, table of authorities, certificate of concurrence and certificate of service) is not unreasonable in the context of this case.

13. Accordingly, Defendants Corbett and Wolf respectfully request that this Court grant Defendants permission to file an oversized brief in this case.

14. Counsel for Defendants Corbett and Wolf have conferred with counsel for all parties and all parties have indicated their concurrence with this Motion.

WHEREFORE, for all of the foregoing reasons, Defendants Corbett and Wolf respectfully request that this Court grant their Motion for Leave to File an Oversized Brief.

Respectfully submitted,

**LAMB McERLANE PC**

Dated: October 2, 2013

By: /s/William H. Lamb  
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**CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE**

I, William H. Lamb, hereby certify that counsel for all parties were contacted regarding possible concurrence with Defendants Governor Thomas Corbett and Secretary of Health Michael Wolf's Motion For Leave to File Oversized Brief. Counsel for all parties, including counsel for Plaintiffs, indicated concurrence with this Motion.

Respectfully submitted,

**LAMB McERLANE PC**

Dated: October 2, 2013

By: /s/William H. Lamb  
William H. Lamb, Esquire  
Attorney I.D. No. 04927  
24 East Market Street  
P.O. Box 565  
West Chester, PA 19381



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Governor Thomas W. Corbett and Secretary of Health Michael Wolf's Motion for Leave to File Oversized Brief in the above captioned matter was served on this, the 2nd day of October, 2013, to the attorneys/parties of record as follows:

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